

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended in light of the following discussion, is respectfully requested.

Claims 22, 24-32, 34-41 and 43-47 are pending in this application. Claims 22, 24-25, 28, 32, 34-35, 38, 44 and 46 are amended. No new matter is added.

This amendment is submitted in accordance with 37 C.F.R. §1.116, which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. This amendment clarifies the claims and places the claims in condition for allowance and in better form for appeal. Further, the amendment does not raise new issues requiring further consideration and/or search. Therefore, it is respectfully requested this amendment be entered under 37 C.F.R. §1.116.

In the outstanding Office Action, Claims 22, 26, 32, 36 and 43-47 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. 2002/0129368 (Schlack) in view of U.S. 2002/0140728 (Zimmerman), U.S. 2008/0040745 (Banker) and U.S. 2004/0210932 (Mori); Claims 24, 25, 27, 29, 31, 34, 35, 37, 39 and 41 were rejected under 35 U.S.C. §103(a) as unpatentable over Schlack in view of Zimmerman, Banker, Mori and U.S. 2004/0017831 (Ellis); and Claims 28, 30, 38 and 40 were rejected under 35 U.S.C. §103(a) as unpatentable over Schlack in view of Zimmerman, Banker, Mori, Ellis and U.S. 2003/0212708 (Potrebic).

Initially, regarding Claims 44 and 46, the Office Action alleges Schlack describes attributes including at least a genre. However, the art of record merely discusses genres, and is silent regarding performers of content, as required by Claims 44 and 46. Accordingly, it is respectfully submitted the rejection under 35 U.S.C. §103(a) is overcome and should be withdrawn regarding Claims 44 and 46.

Further, Applicant notes Banker is not a prior art reference date-wise since Banker was filed on October 17, 2007, and this application is a national stage application of PCT/JP04/09843, filed July 9, 2004, which claims priority to JP 2003-303915, filed August 28, 2003. Applicant presumes the Office is relying upon U.S. 7,290,274 (Banker) as the relevant reference instead of the cited Banker, U.S. 2008/0040745. Clarification in a next action is respectfully requested.

Regarding the independent claims, the Office Action acknowledges Schlack and Zimmerman are silent regarding “a log of a purchase of another content,” as recited in Claims 22 and 32. For this feature, the Office Action relies upon Banker.

Banker describes displaying a list of a purchase of content in Fig. 10. However, Banker merely shows a list of a purchase of content is Fig. 10. As noted in the Office Action, the list in Fig. 10 of Banker enables users to review purchase/spending habits. Yet, the Office Action and Banker are silent as to why one with ordinary skill in the art at the time of invention would modify Schlack to include the features of aggregating a log of purchase of content with a log of a viewing of content into a viewing log to acquire attribute-values for attributes of each content based on the viewing log, as recited in Claims 22 and 32. In particular, the art of record is silent regarding attribute-values for attributes of content listed in a log of purchased content, as required by Claims 22 and 32.

Moreover, the reasoning provided by the Office Action (i.e. to determine whether there is excessive or reasonable spending in purchasing content) can be performed by a user without acquiring attribute-values for attributes of content listed in a log of purchased content. Accordingly, it is respectfully submitted the record has not established why the claimed invention would have been obvious to one of ordinary skill in the art at the time of invention with regard to the corresponding features recited in Claim 22. In particular, a combination of Banker with the other cited art merely results in the added functionality of

showing a list of purchased content, and no rationale has been provided as to why Banker remedies the deficiencies of Schlack regarding the claimed log of a purchase of content and the acquisition of attribute-values for attributes of such content.

Therefore, it is respectfully submitted the record and the art have not clearly established Claims 22 and 32 as obvious to one of ordinary skill in the art at the time of invention. Accordingly, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

Consequently, this application is submitted to be in condition for allowance and an early and favorable action to that effect is respectfully requested. Should the examiner disagree, the examiner is encouraged to contact the undersigned to discuss any remaining issues.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,075

Marc Robinson
Registration No. 59,276